



MOTIONS

A GUIDE TO FREQUENTLY ASKED QUESTIONS ABOUT MOTIONS

FAMILY COURT OF THE STATE OF DELAWARE

<https://courts.delaware.gov/family>

Related forms:

191-Motion

192-Notice of Motion

193-Order

240-Information Sheet

All forms can be found on the Family Court Website at <https://courts.delaware.gov/family>

Family Court of Delaware Locations

Family Court
500 N. King Street
Wilmington, DE 19801

Family Court
400 Court Street
Dover, DE 19901

Family Court
22 The Circle
Georgetown, DE
19947

PLEASE NOTE! A Motion may only be filed if there is an underlying Petition pending. Therefore, if you have not filed a Petition, you must do so before you may file a Motion.

Please also note in most cases, a generic Motion (Form-191) can be filed; however, the Court provides a Form of Motion for a number of matters. Please see the list of specific Motions on the second page of this FAQ.

1) What is a Motion?

A motion is a way to request that the Court take a specific action in a case or grant specific relief in a case.

2) Who can file a Motion?

Any party to a case may file a Motion. A person who is not a party to a case, but believes that they should be a party, may file a Motion requesting that they be added as a party to the case.

3) What forms do I need to file?

If using the generic Motion, (Form-191), you must file the following forms:

Motion (states the relief that you are requesting and the facts explaining why the Court should grant your request.)

Notice of Motion (Notifies the other party that you have filed a motion.)

Order (Prepared by you, it states the relief you are seeking. Be sure to include all the relief which you seek as the Hearing Officer may decide to sign the order as filed.)

Information Sheet (Updates your information with the Court.)

4) Where do I file my Motion?

You should file your Motion in the county where the underlying petition was filed.

5) How does the other party receive a copy of my Motion?

You must mail an exact copy of your Motion to the Other Party. You must do this prior to, or at the same time that you file your Motion with the Court. On the Motion Form, you will complete an Affidavit of Mailing. By signing this in the presence of a Notary Public or Court Clerk, you are attesting that you placed a copy of the Motion in the mail.

6) How long will it take for me to receive a decision?

After receiving a copy of your Motion, the other party will have 13 days in which to file a response with the Court. The court will wait this length of time to make a decision to ensure that the Other Party has had the time allotted to them.

Based upon this time requirement, if you are filing a Motion that relates to a hearing date, such as a Motion for Continuance, you want to be sure and file at least 13 days prior to the hearing date to allow time for the Other Party to respond.

7) What are the form numbers and names of the specific Motion filings?

1. 99P Alternative Dispute Resolution
2. 98P Alternative Dispute Resolution Practitioner
3. 650 Motion and Affidavit for Emergency Ex Parte Order
4. 652 Motion and Affidavit for Interim Relief
5. 651 Motion and Affidavit for Priority Scheduling
6. 198DN Motion and Affidavit to be found Indigent and Request for Appointment of an Attorney in Dependency Neglect Proceedings
7. 194 Motion for Appointment of a Guardian Ad Litem for a Minor Litigant
8. 470 Motion for Confidential Address
9. 457 Motion for Contempt of Order of PFA
10. 196 Motion for Continuance
11. 197 Motion for Dismissal
12. 261 Motion for Temporary Visitation
13. 253 Motion to Contest an Administrative Adjustment
14. 456 Motion to Modify, Extend or Rescind Order of Protection from Abuse
15. 191SOR Motion to Review Sex Offender Registration
16. 254 Motion to Revoke Child Support